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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tatsu Inoue

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06/06/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,844	INOUE, TATSU	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl (of record) in view of U.S. Patent No. 6,481,011 to Lemmons (hereinafter "Lemmons").

With regard to **claims 1 and 3**, Proehl discloses a program guide displaying apparatus (fig. 1) and corresponding method comprising:

a program guide information obtaining device (IRD 2, fig. 1; detail, fig. 2) for obtaining program information (col. 3, ll. 18-44) including information indicative of a program name (title, col. 5, l. 12), a genre name (category, col. 5, ll. 13-14), a start time (col. 5, l. 12), a length of a program or an end time (col. 5, l. 13), a broadcasting channel (col. 5, l. 2-4), and a broadcasting date (inherent where current date, col. 4, ll. 63-66, and program start time, col. 5, l. 12, are known) of respective one of a plurality of programs; a program information displaying device (4, fig. 1) for displaying the program information as for the programs in a first display mode (6-hr. display, fig. 12), or a second display mode (1.5-hr. display, fig. 11) (col. 7, ll. 50-55), which are exchangeable to each other (by user requesting an alternate level of detail, col. 7, ll. 4-5), wherein said program information displaying device displays the program

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information in such a manner that the programs are distinguishable from each other by icons set for respective statuses (attributes) of the programs (col. 7, ll. 56-63) for a first time range (6-hr, fig. 12) on a time axis (horizontal, fig. 12) and a first channel range (10-ch., fig. 12) on a channel axis (vertical, fig. 12) in the first display mode (6-hr. display, fig. 12), and that the programs are distinguishable from each other by at least program names of the programs (see fig. 11) for a second time range (1.5-hr., fig. 11), which is narrower than the first time range ($1.5\text{hr} < 6\text{-hr.}$), on the time axis (horizontal) and a second channel range (7-ch., fig. 11), which is narrower than the first channel range ($7\text{-ch.} < 10\text{-ch.}$), on the channel axis (vertical) in the second display mode (fig. 11);

a range displaying device (timer bar area 1012, fig. 10) for displaying a program table range to be displayed in the second display mode (illustrated in step 1010, fig. 10) in such a manner that the program table range is distinguishable on a program table displayed in the first display mode (illustrated in step 1040, fig. 10) (i.e., the 1.5-hour time range shown in the second display mode, illustrated in step 1010 is distinguishable in the greater, e.g., 6-hour range shown in the first display mode, illustrated in step 1040, fig. 10);

a movement specifying device (remote control 5, fig. 1) for receiving an instruction to move the program table range (operation buttons include north, south, east, and west buttons, col. 4, ll. 56-61, the user can scroll the EPG horizontally or vertically, col. 5, ll. 63-67); and

a moving device for moving the program table range on the program table displayed in the first display mode, in response to the instruction received by said movement specifying device (col. 4, ll. 56-61 and col. 5, ll. 63-67), wherein said moving device moves the program table range for a distance equivalent to a predetermined number of unit-time periods in a time axis direction (i.e., horizontal) and a predetermined number of channels in a channel axis direction (i.e., vertical) (where scrolling of the EPG in the horizontal and vertical directions inherently involves moving the program table a predetermined number of unit-time periods and/or channels).

Proehl fails to explicitly disclose that the programs are distinguishable from each other by colors set for respective genres in the first display mode.

In an analogous art, Lemmons discloses the programs are distinguishable from each other by colors set for respective genres in the first display mode (col. 6, ll. 57-67 and col. 7, l. 34 - col. 8, l. 5), for the purpose of enabling the user to quickly identify programs matching a particular genre (col. 5, ll. 19-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Proehl to include the programs are distinguishable from each other by colors set for respective genres, as taught by Lemmons, for the purpose of enabling the user to quickly identify programs matching a particular genre.

As for **claims 5 and 6**, Proehl and Lemmons together disclose the apparatus and method according to claims 1 and 3. In addition, Proehl discloses the program table range displayed on the first display mode (first level of detail) comprises the first time range and the first channel range and the program table range displayed on the second display mode (second level of detail) comprises the second time range and the second channel range (col. 7, ll. 9-14), and

wherein the program table range displayed on the second display mode corresponds to a subset of the program table range displayed on the first display mode (i.e., zooming in to a greater level of detail when transitioning from the first display mode to the second display mode results in a display comprising a subset of the channels and times displayed in the first mode, col. 7, ll. 13-25; see figs. 9 & 10).

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4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl in view of Lemmons and further in view of Takahashi (of record).

With regard to **claims 2 and 4**, Proehl discloses a program guide displaying apparatus (fig. 1) and corresponding method comprising:

a program guide information obtaining device (IRD 2, fig. 1; detail, fig. 2) for obtaining program information (col. 3, ll. 18-44) including information indicative of a program name (title, col. 5, l. 12), a genre name (category, col. 5, ll. 13-14), a start time (col. 5, l. 12), a length of a program or an end time (col. 5, l. 13), a broadcasting channel (col. 5, l. 2-4), and a broadcasting date (inherent where current date, col. 4, ll. 63-66, and program start time, col. 5, l. 12, are known) of respective one of a plurality of programs; and

a displaying device (4, fig. 1) for displaying the program information as for the programs as a program table (fig. 12), said program table comprising:

(ii) a selected cell display (cursor), which is displayed within the program table and indicates a program cell which is currently selected (col. 5, ll. 36-38 and col. 6, ll. 10-13).

Proehl fails to disclose (i) a plurality of program cells which are displayed in such a manner that the programs are distinguishable by colors set for respective genres of the programs; and (iii) a popup display, which is displayed at a vicinity of the selected cell display on the program table and indicates information related to the program corresponding to the program cell which is currently selected, wherein the popup display is displayed at a position determined in correspondence with a position of the program cell, which is currently selected, in the program table.

In an analogous art, Lemmons discloses (i) a plurality of program cells that are distinguishable from each other by colors set for respective genres (col. 6, ll. 57-67 and col. 7, l. 34 - col. 8, l. 5), for the purpose of enabling the user to quickly identify programs matching a particular genre (col. 5, ll. 19-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Proehl to include the programs are distinguishable from each other by colors set for respective genres, as taught by Lemmons, for the purpose of enabling the user to quickly identify programs matching a particular genre.

Proehl and Lemmons fail to disclose (iii) a popup display, which is displayed at a vicinity of the selected cell display on the program table and indicates information related to the program corresponding to the program cell which is currently selected, wherein the popup display is displayed at a position determined in correspondence with a position of the program cell, which is currently selected, in the program table.

Additionally, in an analogous art, Takahashi discloses (iii) a popup display (TY, fig. 4B, col. 6, ll. 32-49), which is displayed at a vicinity of the selected cell display on the program table (within the same row of the display table as the cell that was selected, see fig. 4B & col. 6, ll. 37-40) and indicates information related to the program (e.g., title and summary, col. 6, ll. 37-49) corresponding to the program cell which is currently selected (designated by KA), wherein the popup display is displayed at a position determined in correspondence with a position of the program cell (within the same row of the display table), which is currently selected (designated by KA), in the program table (4A), for the purpose of providing the user access to a more detailed explanation of a selected program (col. 10, ll. 58-64).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Proehl and Lemmons to include a popup display, which is displayed at a vicinity of the selected cell display on the program table and indicates information related to the program corresponding to the program cell which is currently selected, wherein the popup display is displayed at a position determined in correspondence with a position of the program cell, which is currently selected, in the program table, as taught by Takahashi, for the purpose of providing the user access to a more detailed explanation of a selected program in a program guide displaying apparatus.

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Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

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Typed or printed name of person signing this certificate:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML


HAI TRAN
PRIMARY EXAMINER